



Teaching
Regulation
Agency

Ms Vivienne Langham: Professional conduct panel meeting outcome

**Panel decision and reasons on behalf of the
Secretary of State for Education**

May 2018

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Professional conduct panel decision and recommendations, and decision on behalf of the Secretary of State

Teacher:	Ms Vivienne Langham
Teacher ref number:	0159595
Teacher date of birth:	22 January 1956
TRA reference:	16467
Date of determination:	29 May 2018
Former employer:	Hampstead Norreys CE (VC) Primary School, Thatcham ("the School")

A. Introduction

A professional conduct panel ("the panel") of the Teaching Regulation Agency ("the TRA") convened on 29 May 2018 at the Study Inn, 175 Corporation Street, Coventry, CV1 1GU to consider the case of Ms Vivienne Langham.

The panel members were Mr Sathi Ariya (lay panellist – in the chair), Mr Phillip Riggon (teacher panellist) and Ms Mary Speakman (teacher panellist).

The legal adviser to the panel was Mr James Danks of Blake Morgan LLP.

In advance of the meeting, the TRA agreed to a request from Ms Langham that the allegations be considered without a hearing after taking into consideration the public interest and the interests of justice. Ms Langham provided a signed statement of agreed facts and admitted unacceptable professional conduct and/or conduct that may bring the profession into disrepute and/or conviction of a relevant offence.

The panel considered the case at a meeting without the attendance of the presenting officer, Ms Langham nor her representative.

The meeting took place in private, save for the announcement of the panel's decision, which was announced in public and recorded.

B. Allegations

The panel considered the allegations set out in the Notice of Meeting dated 23 May 2018.

It was alleged that Ms Langham was guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute and/or having been convicted of a relevant offence, in that:

1. On 3 January 2017, she was convicted in Swindon Magistrates Court of the offence of Battery on 03/10/16 contrary to s.39 Criminal Justice Act 1988, for which she received a Conditional Discharge and ordered to pay compensation in the sum of £400, a victim surcharge in the sum of £20 and costs in the sum of £85.

It is further alleged that she is guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute in that, in respect of her employment as a teacher at Hampstead Norreys CE (VC) Primary School:

2. Prior to commencing her role, she failed to declare:
 - a. her pending conviction when completing your application form in 2016;
 - b. her conviction on or around 3 January 2017.
3. Her conduct as alleged at allegation 2a and/or 2b above, if proven, was dishonest and/or demonstrated a lack of integrity;
4. On 25 January 2017, she used inappropriate physical intervention in relation to Pupil A.

Ms Langham admitted all the allegations and provided a signed Statement of Agreed Facts. She also accepted that the allegations, if proved, would amount to unacceptable professional conduct and/or conduct that may bring the profession into disrepute and/or conviction of a relevant offence.

C. Summary of evidence

Documents

In advance of the meeting, the panel received a bundle of documents, which included:

Section 1: Chronology and anonymised pupil list – pages 2 to 3

Section 2: Notice of Referral, response and Notice of Meeting – pages 5 to 11b

Section 3: Notice of Agreed Facts and presenting officer representations – pages 13 to 19

Section 4: Teaching Regulation Agency documents – pages 21 to 193

Section 5: Teacher documents – pages 195 to 204

The panel members confirmed that they had read all of the documents in advance of the meeting.

Statement of agreed facts

The panel considered a Statement of Agreed Facts which Ms Langham signed on 10 March 2018.

D. Decision and reasons

The panel announced its decision and reasons as follows:

The panel has carefully considered the case and reached a decision.

The panel confirms that it has read all the documents provided in the bundle in advance of the meeting.

In advance of the meeting, the TRA agreed to a request from Ms Langham that the allegations be considered without a hearing. The panel has the ability to direct that the case be considered at a hearing if required in the interests of justice or in the public interest. The panel did not determine that such a direction is necessary or appropriate in this case.

On 5 January 2017, Ms Langham commenced working at the School. Towards the end of January, a mother of a pupil raised a concern of Ms Langham physically moving her son out of the way. The School was subsequently made aware by the police that Ms Langham had been convicted of Battery earlier in January 2017 and she subsequently resigned from the School in March 2017.

Findings of fact

Our findings of fact are as follows:

The panel has found the following particulars of the allegations against you proven, for these reasons:

It was alleged that Ms Langham was guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute and/or having been convicted of a relevant offence, in that:

- 1. On 3 January 2017, you were convicted in Swindon Magistrates Court of the offence of Battery on 03/10/16 contrary to s.39 Criminal Justice Act 1988, for which you received a Conditional Discharge and ordered to pay**

compensation in the sum of £400, a victim surcharge in the sum of £20 and costs in the sum of £85.

The panel had regard to the signed Statement of Agreed Facts in which Ms Langham accepted unequivocally the substance of this allegation. The panel also noted the Memorandum of Conviction from Swindon Magistrates' Court, which confirmed her conviction on 4 January 2017.

In light of the above, the panel finds that fact of Ms Langham's conviction proved.

It is further alleged that you are guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute in that, in respect of your employment as a teacher at Hampstead Norreys CE (VC) Primary School:

2. Prior to commencing your role, you failed to declare:

b. your conviction on or around 3 January 2017.

The panel had regard to the signed Statement of Agreed Facts in which Ms Langham accepted unequivocally the substance of this allegation. The panel also noted that the Memorandum of Conviction and Ms Langham's witness statement confirm that she was present at Swindon Magistrates' Court and therefore aware of the conviction.

There is no evidence that she told the School of this conviction and Ms Langham states in her statement *"I subsequently failed to inform the school that I had received a six month conditional discharge for assault"*.

In light of the above admissions and the accepted fact that Ms Langham did not commence work at the School until 5 January 2017, the panel finds this allegation proved.

3. Her conduct as alleged at allegation 2a and/or 2b above, if proven, was dishonest and/or demonstrated a lack of integrity

The panel only considered this allegation in respect of 2b.

The panel had regard to the signed Statement of Agreed Facts in which Ms Langham accepted unequivocally the substance of the allegation. The panel also gave weight to the form that Ms Langham completed when applying for her role at the School, which explicitly asked about any convictions. This form was completed in the middle of December 2016, a matter of weeks before she commenced her role.

In the circumstances of Ms Langham being explicitly asked about any convictions, it would have been clear to her the need to inform the School of her conviction in January 2017 and not doing so was obviously to her benefit. An ordinary person would necessarily consider this a dishonest act and, it therefore follows, also demonstrated a lack of integrity.

In light of the above, the panel finds this allegation proved.

4. On 25 January 2017, you used inappropriate physical intervention in relation to Pupil A

The panel had regard to the signed Statement of Agreed Facts in which Ms Langham accepted unequivocally the substance of the allegation. Based on the clear admission in this document and her witness statement, the panel finds this allegation proved.

The panel does not find the following particular of allegation against you proved:

2. Prior to commencing your role, you failed to declare:

a. your pending conviction when completing your application form in 2016

The panel noted that in January 2017, Ms Langham was convicted of an offence that took place in October 2016. The panel also noted in the form she completed in December 2016 when applying for her role at the School, she was asked about any convictions and pending prosecutions, to which she answered 'no' and she accepts in her witness statement that she should have disclosed the 'pending prosecution'.

The panel noted that in the Statement of Agreed Facts, Ms Langham admits this charge. Nevertheless, whilst there may have been a 'pending prosecution' against her in December 2016, there was no evidence of a 'pending conviction'. The panel did consider amending the wording of the allegation but did not consider it fair in light of the wording Ms Langham uses in her statement.

Based on the wording of the allegation, the panel does not find this allegation proved.

Findings as to unacceptable professional conduct and/or conduct that may bring the profession into disrepute and/or conviction of a relevant offence

Having found a number of the allegations to be proven, the panel has gone on to consider whether the facts of those proven allegations amount to unacceptable professional conduct and/or conduct that may bring the profession into disrepute.

In doing so, the panel has had regard to the document Teacher Misconduct: The Prohibition of Teachers, which the panel refers to as "the Advice".

The panel is satisfied that the conduct of Ms Langham in relation to the facts found proven, involved breaches of the Teachers' Standards. The panel considers that by reference to Part Two, Ms Langham is in breach of the following standards:

- Teachers uphold public trust in the profession and maintain high standards of ethics and behaviour, within and outside school, by:
 - having regard for the need to safeguard pupils' well-being, in accordance with statutory provisions.
- Teachers must have proper and professional regard for the ethos, policies and practices of the school in which they teach.
- Teachers must have an understanding of, and always act within, the statutory frameworks, which set out their professional duties and responsibilities.

The panel is satisfied that the conduct of Ms Langham fell significantly short of the standards expected of the profession for 2b and 3.

In the panel's view, whilst it appreciated that allegation 4 impacted on a child, there was no suggestion that the act that caused the injury to the child was deliberate in any manner and indeed Pupil A says, "*I don't think she did it on purpose*". It appears from the material before the panel that Ms Langham was moving Pupil A out of the way in order to attend to another pupil who was screaming. Taking all of these factors into account, the panel did not deem the circumstances of allegation 4 to be of sufficient seriousness to be deemed 'significantly short'.

The panel has also considered whether Ms Langham's conduct displayed behaviours associated with any of the offences listed on pages 8 and 9 of the Advice and the panel has found the offence of serious dishonesty to be present.

The Advice indicates that where behaviours associated with such an offence exist, a panel is likely to conclude that an individual's conduct would amount to unacceptable professional conduct.

Accordingly, the panel is satisfied that Ms Langham is guilty of unacceptable professional conduct in respect of allegations 2b and 3.

The panel has taken into account how the teaching profession is viewed by others and considered the influence that teachers may have on pupils, parents and others in the community. The panel has taken account of the uniquely influential role that teachers can hold in pupils' lives and that pupils must be able to view teachers as role models in the way they behave.

The panel therefore finds that Ms Langham's actions constitute conduct that may bring the profession into disrepute.

In respect of Ms Langham's conviction, the panel is satisfied that her conduct in relation to the facts it has found proved, involved breaches of the Teachers' Standards. We consider that by reference to Part Two, Ms Langham is in breach of the following standards:

- Teachers uphold public trust in the profession and maintain high standards of ethics and behaviour, within and outside school.

The panel noted that the individual's actions were relevant to teaching as it indicated a lack of control and violence.

The panel has also taken account of how the teaching profession is viewed by others. The panel considered that Ms Langham's behaviour in committing the offence could affect the public confidence in the teaching profession given the influence that teachers may have on pupils, parents and others in the community.

The panel noted that whilst Ms Langham's behaviour did not lead to a sentence of imprisonment, which is indicative that the offence was at the less serious end of the possible spectrum. It was nevertheless a conviction for violence committed whilst under the influence of alcohol.

[REDACTED] The panel has also read Ms Langham's evidence that she committed the offence when so intoxicated that she could not remember the event.

The panel has found the seriousness of the offending behaviour that led to the conviction is relevant to the teacher's ongoing suitability to teach. The panel considers that a finding that this conviction is a relevant offence is necessary to reaffirm clear standards of conduct to maintain public confidence in the teaching profession.

Panel's recommendation to the Secretary of State

Given the panel's findings in respect of unacceptable professional conduct/conduct that may bring the profession into disrepute/a conviction of a relevant offence, it is necessary for the panel to go on to consider whether it would be appropriate to recommend the imposition of a prohibition order by the Secretary of State.

In considering whether to recommend to the Secretary of State that a prohibition order should be made, the panel has to consider whether it is an appropriate and proportionate measure, and whether it is in the public interest to do so. Prohibition orders should not be given in order to be punitive, or to show that blame has been apportioned, although they are likely to have punitive effect.

The panel has considered the particular public interest considerations set out in the Advice and having done so has found a number of them to be relevant in this case, namely:

- the protection of members of the public;
- the maintenance of public confidence in the profession;
- declaring and upholding proper standards of conduct.

In light of the panel's findings against Ms Langham, which involved her conviction for a relevant offence and her subsequent dishonest actions by not informing the School, the panel considers that public confidence in the profession could be seriously weakened if conduct such as that found against Ms Langham was not treated with the utmost seriousness when regulating the conduct of the profession.

The panel considered that a strong public interest consideration in declaring proper standards of conduct in the profession was also present as the conduct found against Ms Langham was outside that which could reasonably be tolerated.

Notwithstanding the clear public interest considerations that were present, the panel considered carefully whether it would be proportionate to impose a prohibition order taking into account the effect that this would have on Ms Langham.

In carrying out the balancing exercise, the panel has considered the public interest considerations both in favour of and against prohibition as well as the interests of Ms Langham. The panel took further account of the Advice, which suggests that a prohibition order may be appropriate if certain behaviours of a teacher have been proven. In the list of such behaviours, those that are relevant in this case are:

- serious departure from the personal and professional conduct elements of the Teachers' Standards;
- dishonesty especially where there have been serious consequences, and/or it has been repeated and/or covered up;
- the commission of a serious criminal offence, including those that resulted in a conviction or caution, paying particular attention to offences that are 'relevant matters' for the purposes of The Police Act 1997 and criminal record disclosures.

Even though there were behaviours that would point to a prohibition order being appropriate, the panel went on to consider whether or not there were sufficient mitigating factors to militate against a prohibition order being an appropriate and proportionate measure to impose, particularly taking into account the nature and severity of the behaviour in this case. In light of the panel's findings, there was no evidence that Ms Langham's actions were not deliberate nor evidence to suggest that she was acting under duress. Ms Langham did have a previously good history albeit she had only been teaching for a relatively short time and there were no character references before the panel to assist in mitigation.

The panel first considered whether it would be proportionate to conclude this case with no recommendation of prohibition, considering whether the publication of the findings made by the panel is sufficient.

The panel is of the view that applying the standard of the ordinary intelligent citizen recommending no prohibition order is not a proportionate and appropriate response. Recommending that publication of adverse findings is sufficient in the case would

unacceptably compromise the public interest considerations present in this case, despite the severity of consequences for the teacher of prohibition.

The panel is of the view that prohibition is both proportionate and appropriate. The panel has decided that the public interest considerations outweigh the interests of Ms Langham. Whilst the relevant offence was clearly towards the bottom end of the spectrum as reflected by the sentence of a conditional discharge, it did nevertheless involve violence followed by a deliberate failure by Ms Langham to inform the School. Accordingly, the panel makes a recommendation to the Secretary of State that a prohibition order should be imposed with immediate effect.

The panel went on to consider whether it would be appropriate to recommend that a review period of the order should be considered. The panel was mindful that the Advice advises that a prohibition order applies for life, but there may be circumstances in any given case that may make it appropriate to allow a teacher to apply to have the prohibition order reviewed after a specified period of time that may not be less than 2 years.

The Advice indicates that there are behaviours that, if proven, would militate against a review period being recommended. These behaviours include violence and fraud or serious dishonesty.

The panel has found that Ms Langham has been responsible for harming a nurse during the course of the nurse's duties and thereafter failing to inform the School. The panel does consider that these offences all appear to stem from the teacher's reliance on excessive alcohol consumption but has noted her assertions that she is actively seeking help regarding this, which indicated the beginning of some insight into her actions.

The panel has also noted the remorse Ms Langham has shown regarding her actions and the desire expressed to return to teaching in due course.

The panel felt the findings indicated a situation in which a review period would be appropriate and as such decided that it would be proportionate in all the circumstances for the prohibition order to be recommended with provisions for a review period after 3 years.

Decision and reasons on behalf of the Secretary of State

I have given very careful consideration to this case and to the recommendation of the panel in respect of sanction and review period.

In considering this case, I have also given very careful attention to the advice that is published by the Secretary of State concerning the prohibition of teachers.

In this case, the panel has found the majority of the allegations proven. For the allegation that was not proven I have put those matters entirely from my mind. I have also noted that the panel found unacceptable professional conduct and conduct likely to bring the profession into disrepute for allegations 2b and 3. I have also put from my mind the matters at allegation 4 which the panel found not to be “ of sufficient seriousness to be deemed 'significantly short'.” I also note that the panel found the conviction to be relevant.

The panel has made a recommendation to the Secretary of State that Ms Vivienne Langham should be the subject of a prohibition order, with a review period of three years.

In particular the panel has found that Ms Langham is in breach of the following standards:

- Teachers uphold public trust in the profession and maintain high standards of ethics and behaviour, within and outside school, by:
 - having regard for the need to safeguard pupils’ well-being, in accordance with statutory provisions.
- Teachers must have proper and professional regard for the ethos, policies and practices of the school in which they teach.
- Teachers must have an understanding of, and always act within, the statutory frameworks, which set out their professional duties and responsibilities.

In terms of the conviction the panel has found that Ms Langham breached the following standards:

- Teachers uphold public trust in the profession and maintain high standards of ethics and behaviour, within and outside school.

The findings of misconduct are particularly serious as they include a finding of serious dishonesty and violence under the influence of alcohol.

I have to determine whether the imposition of a prohibition order is proportionate and in the public interest. In considering that for this case I have considered the overall aim of a prohibition order which is to protect pupils and to maintain public confidence in the profession. I have considered the extent to which a prohibition order in this case would achieve that aim taking into account the impact that it will have on the individual teacher. I have also asked myself whether or not a less intrusive measure, such as the published finding of unacceptable professional conduct and conduct that may bring the profession into disrepute, would itself be sufficient to achieve the overall aim. I have to consider whether the consequences of such a publication are themselves sufficient. I have considered therefore whether or not prohibiting Ms Langham, and the impact that will have on her, is proportionate.

In this case I have considered the extent to which a prohibition order would protect children. The panel has not identified any particular issues in this area. I have also taken

into account the panel's comments on insight and remorse which the panel sets out as follows, " has noted her assertions that she is actively seeking help regarding this, which indicated the beginning of some insight into her actions. The panel has also noted the remorse Ms Langham has shown regarding her actions and the desire expressed to return to teaching in due course."

In my judgement there is a limited element of insight in this case. This means there is some risk of the repetition of this behaviour. I have therefore given this element considerable weight in reaching my decision.

I have gone on to consider the extent to which a prohibition order would maintain public confidence in the profession. The panel observe, " that Ms Langham's behaviour in committing the offence could affect the public confidence in the teaching profession given the influence that teachers may have on pupils, parents and others in the community." They also "found the offence of serious dishonesty to be present."

I am particularly mindful of the finding of dishonesty in this case and the impact that such a finding has on the reputation of the profession.

I have had to consider that the public has a high expectation of professional standards of all teachers and that failure to impose a prohibition order might be regarded by the public as a failure to uphold those high standards. In weighing these considerations I have had to consider the matter from the point of view of an "ordinary intelligent and well-informed citizen."

I have considered whether the publication of a finding of unacceptable professional conduct, and a relevant conviction, in the absence of a prohibition order, can itself be regarded by such a person as being a proportionate response to the misconduct that has been found proven in this case.

I have also considered the impact of a prohibition order on Ms Langham herself. The panel say that , " Ms Langham did have a previously good history albeit she had only been teaching for a relatively short time and there were no character references before the panel to assist in mitigation."

A prohibition order would prevent Ms Langham from teaching and would also clearly deprive the public of her contribution to the profession for the period that it is in force.

In this case I have placed considerable weight on the panel's comments concerning the lack of full insight or remorse. The panel has said, " it did nevertheless involve violence followed by a deliberate failure by Ms Langham to inform the School."

I have given less weight in my consideration of sanction therefore, to the contribution that Ms Langham has made and is making to the profession. In my view it is necessary to impose a prohibition order in order to maintain public confidence in the profession. A

published decision that is not backed up by full insight does not in my view satisfy the public interest requirement concerning public confidence in the profession.

For these reasons I have concluded that a prohibition order is proportionate and in the public interest in order to achieve the aims which a prohibition order is intended to achieve.

I have gone on to consider the matter of a review period. In this case the panel has recommended a 3 year review period.

I have considered the panel's comments " The Advice indicates that there are behaviours that, if proven, would militate against a review period being recommended. These behaviours include violence and fraud or serious dishonesty."

The panel has said that a 3 year review period would be proportionate.

I have considered whether a 3 year review period reflects the seriousness of the findings and is a proportionate period to achieve the aim of maintaining public confidence in the profession. In this case, there are three factors that in my view mean that a two year review period is not sufficient to achieve the aim of maintaining public confidence in the profession. These elements are the dishonesty found, the lack of full insight, and that the " relevant offence was clearly towards the bottom end of the spectrum as reflected by the sentence of a conditional discharge, it did nevertheless involve violence followed by a deliberate failure by Ms Langham to inform the School."

I consider therefore that a three year review period is required to satisfy the maintenance of public confidence in the profession.

This means that Ms Vivienne Langham is prohibited from teaching indefinitely and cannot teach in any school, sixth form college, relevant youth accommodation or children's home in England. She may apply for the prohibition order to be set aside, but not until 2021, 3 years from the date of this order at the earliest. This is not an automatic right to have the prohibition order removed. If she does apply, a panel will meet to consider whether the prohibition order should be set aside. Without a successful application, Ms Vivienne Langham remains prohibited from teaching indefinitely.

This order takes effect from the date on which it is served on the teacher.

Ms Vivienne Langham has a right of appeal to the Queen's Bench Division of the High Court within 28 days from the date she is given notice of this order.



Decision maker: Alan Meyrick

Date: 31 May 2018

This decision is taken by the decision maker named above on behalf of the Secretary of State.